

Application No. 10/518047

Responsive to the Office Action dated January 5, 2010 and Advisory Action dated July 19, 2010

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

The specification has been amended to correct an inadvertent error as supported by the specification at page 11, lines 22-26.

Claim 1 has been amended to remove the negative limitations of the cationic polymer as supported by original claim 1. Claim 7 has been added as supported by examples 1-7 and comparative examples 1-7 in tables 1-4 on pages 15-18, respectively. Claim 8 has been added as supported by the specification at page 3, lines 8-14, page 8, line 24 – page 9, line 5, and page 12, line 6 – page 13, line 12 as well as claim 1. Claims 9 and 10 depending from claim 8 have been added as supported by claims 2-3. No new issues are raised by the amendments to the claims.

Claims 1-3 have been rejected under 35 U.S.C. 112, first paragraph, as not complying with the written description requirement. Applicants respectfully traverse this rejection.

The phrase “the first agent composition does not contain a cationic polymer having as a monomer dimethyl diallyl ammonium chloride” has been removed from claim 1, and this rejection is moot and should be withdrawn. Applicants do not concede the correctness of the rejection.

Claim 7 recites a first agent composition that excludes a polymer of dimethyl diallyl ammonium chloride (Merquat 100) and a copolymer of dimethyl diallyl ammonium chloride and acrylamide (Merquat 550). It is clear from the specification that the first agent composition that does not include Merquat 100 or Merquat 550 provides superior properties, such as no dripping off of the first agent composition when applied, easiness when rinsing the first agent composition out, and sufficient bounce of waves, to the first agent composition including either Merquat 100 or Merquat 550 (see tables 1-4

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on pages 15-18, respectively, of the specification). Accordingly, claim 7 reasonably conveys to those of skill in the art that the inventor had possession of the first agent composition of claim 7 at that time of the invention.

Claim 8 recites a method for treating hair, in which the step for providing the first agent composition includes the first agent composition similar to that in claim 1, and the phrase "the first agent composition does not contain a cationic polymer having as a monomer dimethyl diallyl ammonium chloride" is not recited.

Accordingly, claims 7 and 8 also are not subject to the written description requirement rejection.

Claim 1-6 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kubo et al. (Japanese Patent Application Publication No. 2000-264821) in the Office Action issued March 24, 2009. Applicants respectfully traverse this rejection.

Claim 1 recites a first agent composition for a permanent wave agent or a hair straightening agent that includes a long-chain acylsulfonate type of anionic surfactant expressed by the Formula I, a higher alcohol, an anionic polymer, and a reducing agent.

Kubo discloses the first agent composition that includes a reducing agent and a copolymer of dimethyldiallyl ammonium chloride and the second agent composition that includes an oxidant and an anionic surfactant (see abstract and para. [0008]). The reference further discloses that an anionic polymer and a higher alcohol may be included, but only in the second agent composition, which contains an oxidant (see paras. [0009] and [0011]). Kubo fails to disclose that the first agent composition contains, in addition to a reducing agent, an anionic surfactant, anionic polymer, and higher alcohol as claim 1 recites. By using the first agent composition including a reducing agent, cysteine bonds of hair keratin are broken, and by using a second agent composition including an oxidant, the cysteine bonds are reformed and permanent waves are provided (see page 1, lines 1-7 under the "Background" section of the specification). Thus, by including the reducing agent, which cuts the cysteine bonds, in the first agent composition, waves that the hairs originally have can be removed. It is clear that if original waves are removed from hair,

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the hair is prepared for obtaining desirable waves better and that the straightened hair cannot be obtained when the original waves are not removed (see *id.*).

In addition to the reducing agent, by including the anionic surfactant, higher alcohol, and anionic polymer in the first agent composition, particularly the anionic surfactant and higher alcohol in a combined amount of 0.5-10 weight % of the first agent composition and at a molar ratio of the higher alcohol to the anionic surfactant of 2-10 as claim 1 recites, excellent permanent waves can be obtained even on damaged hair, along with excellent usability of the composition and good results of the hair treatment (see page 10, lines 9-16 and examples 1-10 and comparative examples 11 in tables 1-2 and 5 on pages 15-16 and 19, respectively, of the specification). For example, when the anionic polymer is not included in the first agent composition, a problem of dripping off of the first agent composition occurs, and when the total amount of the anionic surfactant and higher alcohol is outside 0.5-10 weight %, the dripping-off problem or difficulties when rinsing the first agent composition out and insufficient bounce of waves are observed (see comparative examples 9 and 10 in table 5 on page 19 of the specification). When the molar ratio of the higher alcohol to the anionic surfactant is lower than 2, again the dripping-off problem of the first agent composition occurs (see comparative example 8 in table 5 on page 19 of the specification). By including the anionic polymer and also the anionic surfactant and higher alcohol in the particular amount and ratio thereof as claim 1 recites, excellent properties of the first agent composition such as easiness when rinsing the first agent composition out, no dripping-off problem, sufficient bounce of waves, and good resulting touch can be obtained (see examples 1-10 in tables 1-2 and 5 on pages 15-16 and 19 of the specification). Accordingly, claim 1 and claims 2-3, which depend from claim 1, are distinguished from Kubo, and this rejection should be withdrawn.

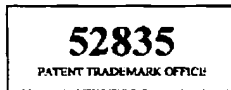
Claim 7, which depends from claim 1, is distinguished from Kubo for at least the same reasons as discussed for claim 1 above.

Claim 8, which recites a method using the first agent composition similar to that in claim 1, also is distinguished from Kubo for at least the same reasons as discussed for claim 1 above.

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In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

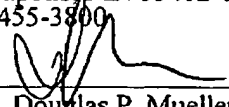


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Respectfully submitted,

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